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Peter Wassmann

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EXAMINER

RAMPURIA, SATISH

ART UNIT

PAPER NUMBER

2191

NOTIFICATION DATE

DELIVERY MODE

05/23/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary	Application No. 10/653,708	Applicant(s) WASSMANN ET AL.
	Examiner SATISH S. RAMPURIA	Art Unit 2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/10/2008, 01/29/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 02/14/2008.
2. The rejection under 35 U.S.C. §101 to claims 18 and 47 is withdrawn in view of Applicant's amendment.
3. Claims amended by the Applicants: 1, 18, 19, and 31.
4. Claims 1-47 are pending.

Response to Arguments

5. Applicant's arguments filed 09/21/2007 have been fully considered but they are not persuasive.

In the remarks, the applicant has argued that:

In addition, unlike Ortiz where all branding information is stored in "a single central location" (i.e., cvOEMBrand.DLL) Ortiz, col. 3, lines 24-25, embodiments of the invention assigns **one namespace identifying one group** of resource files. That is, instead of storing all branding data (i.e., one or more brands) in one file, embodiments of the invention disclose that the **assigned namespace is for one specific brand**, and the assigned namespace identifies a plurality of resource files associated with the one specific brand. Therefore, Ortiz truly and fundamentally teaches away from aspects of the invention by disclosing specifically that all **branding data is in one file**.

Examiner's response:

In response to Applicants arguments, Ortiz and Alger both are analogous art they are both disclosing software branding. Ortiz discloses centralized management of branding information for a computer product. The present invention is particularly well suited for use with software application to display branding information for various hardware and/or software components being utilized by the software application (See Summary). Further, Ortiz discloses each branding information is extracted by the calling DLL (i.e., cvBrand.DLL), see col. 3, lines 44-50,

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from the cvOEMbrand.DLL which holds plurality of branding data. And cvBrand.DLL includes four routines, namely a BOOL getProductName, BoolgetOEMName, BOOL getImage, and BOOL getName routines, see col. 3, lines 30-43. When BOOL getOEMName routine is called, the routine also makes a getName call with variableName set to ID_OEM identifying that OEM branding data is required (col. 3, lines 56-60). It is reasonable to conclude that ID_OEM which identifies the brand data is a “namespace”. Here in Ortiz ID_OEM identifies one specific brand from the branding data stored in cvIEMBrand.DLL. Alger discloses a merchant to allow differentiate the software it provides to its customers in a number of different ways, so that the use of the software is certain to evoke an association with that merchant. With the invention, software can be branded so that rendering its image (e.g., its text or graphic content or its user interface) evokes an association with the merchant. Software can also be branded so that its very operation evokes an association with the merchant. Further, according to the invention, software may be branded so that its functionality evokes an association with the merchant (See Summary). Ortiz specifically discloses defining a plurality or groups, which includes the branding information by storing the branding information in a library, which includes plurality of groups (col. 1, lines 45-58). Further, Ortiz discloses assigning a namespace (branding information as interpreted by the Examiner) because the branding information is extracted in response to request (col. 1, lines 45-58). Ortiz does not specifically discloses searching the called group of resource files, however, Alger discloses the claimed feature as described below in the rejection.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Information Disclosure Statement

7. An initialed and dated copy of Applicant's IDS form 1449 filed on 03/10/2008 and 01/29/2008 is attached to the instant Office action.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18 and 47 recite one computer readable media, the term as described in the specification [0109-0111] that computer readable media, which include both volatile and nonvolatile media, removable and non-removable media, may be any available medium that can be accessed by computer... Communication media typically embody computer readable instructions, data structures, program modules, or other data in a modulated data signal such as a

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carrier wave or other transport mechanism and include any information delivery media. Those skilled in the art are familiar with the modulated data signal, which has one or more of its characteristics set or changed in such a manner as to encode information in the signal. Wired media, such as a wired network or direct-wired connection, and wireless media, such as acoustic, RF, infrared, and other wireless media, are examples of communication media. Combinations of the any of the above are also included within the scope of computer readable media. Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism per se, and as such are nonstatutory natural phenomena. *O'Reilly v. Morse*, 56 U.S. (15 How.) 62, 112-14 (1853). Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-12, 14, 18-28, 31-41, 43 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,694,320 to Ortiz et al. (hereinafter, Ortiz) in view of US Publication No. 2004/0204946 to Alger et al. (hereinafter, Alger).

Per claim 1:

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Ortiz discloses:

A computerized method of branding a software product installed on a computer comprising: defining a plurality of groups, each of said plurality of groups including a plurality of resource files, said resource files each containing one or more branding resources identifying the brand (col. 1, lines 45-58 "...storing branding information associated with the computer product in a central library, in response to the request; calling the routines in the first library, the called routines loading the central library and extracting branding data from the central library identified in the request; and conveying the extracted branding data to the software application"); assigning a namespace to each of the plurality of defined groups (col. 1, lines 45-48 "...storing branding information associated with the computer product in a central library in response to the request; calling the routines in the first library, the called routines loading the central library and extracting branding data from the central library identified in the request; and conveying the extracted branding data to the software application"), said assigned namespace identifying one specific brand for each of the plurality of groups, and wherein the plurality of resource files of each of the plurality of groups identify the one specific brand (Here Ortiz is clear that each branding information is extracted by the calling DLL (i.e., cvBrand.DLL), see col. 3, lines 44-50, from the cvOEMbrand.DLL which holds plurality of branding data. And cvBrand.DLL includes four routines, namely a BOOL getProductName, BoolgetOEMName, BOOL getImage, and BOOL getName routines, see col. 3, lines 30-43. When BOOL getOEMName routine is called, the routine also makes a getName call with variableName set to ID_OEM identifying that OEM branding data is required (col. 3, lines 56-60). It is reasonable to conclude that ID_OEM which identifies the brand data is a "namespace".); -receiving request for identifying a selected namespace (col. 1, lines 54-55 "accessing branding data stored within a computer product in response to a request from a software application"), said selected

namespace corresponding to one or more installed components of the software product (col. 3, lines 44-50 “...software application requires branding data...calls the routing...to access the appropriate product name...convey to the software application”);

executing an interface to call a particular group of resource files from the plurality of groups as a function of the selected namespace (col. 1, lines 55-60 “...linking to a first library storing routines to access branding data stored in a central library in response to the request; calling the routines in the first library...”);

searching the called group of resource files for one or more of the branding resources to be installed in the software product (col. 1, lines 45-52 “...the at least one routine being called by a software application requesting branding data and extracting the appropriate branding data from the central library in response to the call...”).

Ortiz does not explicitly disclose selectively installing the called group of resources files containing the one or more branding resources in the software product in response to the searching and as a function fo the selected namespace.

However, Alger discloses in an analogous computer system selectively installing the called group of resources files containing the one or more branding resources in the software product in response to the searching and as a function fo the selected namespace (paragraph [0041] “After the generic software 201 has been installed on the consumer's computer, the software 201 will then locate (i.e., select) and use the branding information 204B so that the use of the software 201 evokes an association with the merchant 502B”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of selectively installing the called group of

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resources files containing the one or more branding resources in the software product in response to the searching and as a function of the selected namespace as taught by Alger into the method of branding software as taught by Ortiz. The modification would be obvious because of one of ordinary skill in the art would be motivated to installing the called group of resources files containing the one or more branding resources in the software product in response to the searching to provide a way to differentiate a company from their competitors as suggested by Alger (paragraph [0006]).

Per claim 2:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

further comprising centrally storing the plurality of branding resources (col. 1, lines 45-48

“...storing branding information associated with the computer product in a central library...”).

Per claim 3:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

wherein assigning the namespaces comprises identifying which of the branding resources contained in the resource files correspond to specific brands (col. 1, lines 45-50 “...the called routines loading the central library and extracting branding data from the central library identified in the request; and conveying the extracted branding data to the software application...”).

Per claim 4:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

wherein each of the resource files comprises a dynamic-link library (col. 3, lines 13-19

“...software makes use of dynamic link libraries (DLLs), which provide a simple and compact procedure for software applications to access required branding data...”).

Per claim 5:

The rejection of claim 4 is incorporated and further, Ortiz discloses:

wherein the branding resources reside in one or more of the dynamic-link libraries associated therewith (col. 3, lines 19-29 “...cvOEMBrand.DLL holds the actual branding data. Thus, all

branding data is stored in a single central location...”), and wherein executing the interface

comprises accessing the branding resources in the associated dynamic-link libraries (col. 3, lines 19-29 “...cvBrandDLL holds a number of routines which are called in response to a request for branding data made by a software application to access branding data...”).

Per claim 6:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

wherein at least one of the branding resources comprises an image associated with the software product (col. 1, lines 63-67 “...The branding data can be stored in a version resource in the central library and can include string resources for the product names and OEM names. The images can also be stored in the version resource in bitmap resources...”).

Per claim 7:

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The rejection of claim 1 is incorporated and further, Ortiz discloses:

wherein at least one of the branding resources comprises a character string identifying the software product (col. 1, lines 63-67 "...central library and can include string resources for the product names...").

Per claim 8:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

further comprising embedding, in each of the resource files, metadata identifying the branding resources contained therein, and wherein the called group of resource files is searched for the branding resources to be installed in the software product based on the embedded metadata (col. 1, lines 63-67 to col. 2, lines 1-3 "...The branding data can be stored in a version resource in the central library and can include string resources for the product names and OEM names. The images can also be stored in the version resource in bitmap resources...").

Per claim 9:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

wherein each of the resource files has a branding manifest associated therewith (col. 3, lines 19-29 "...cvOEMBrand.DLL holds the actual branding data. Thus, all branding data is stored in a single central location..."), and further comprising identifying the branding resources contained in each of the resource files with the associated branding manifest (col. 3, lines 19-29 "...cvBrandDLL holds a number of routines which are called in response to a request for branding data made by a software application to access branding data...").

Per claim 10:

The rejection of claim 9 is incorporated and further, Ortiz discloses:

wherein identifying the branding resources includes indicating, with the associated branding manifest, whether one or more of the branding resources contained in the resource file can be overwritten by a third party (col. 3, lines 19-29 "...cvOEMBrand.DLL holds the actual branding data. Thus, all branding data is stored in a single central location... cvBrandDLL holds a number of routines which are called in response to a request for branding data made by a software application to access branding data...").

Per claim 11:

The rejection of claim 9 is incorporated and further, Ortiz discloses:

wherein identifying the branding resources includes indicating, with the associated branding manifest, a resource type for each of the branding resources contained in the resource file (col. 3, lines 19-29 "...cvOEMBrand.DLL holds the actual branding data. Thus, all branding data is stored in a single central location...").

Per claim 12:

The rejection of claim 9 is incorporated and further, Ortiz discloses:

further comprising adding one or more branding resources to at least one of the resource files and updating the branding manifest associated therewith (col. 2, lines 15-20 "...the branding data is kept in a compact form, which can be easily accessed and updated. As a result, it is a simple and

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direct procedure to add new procedures and branding data and to alter existing procedures and branding data...”).

Per claim 14:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

wherein the interface is an application programming interface (col. 1, lines 55-60 “...linking to a first library storing routines to access branding data stored in a central library in response to the request; calling the routines in the first library...”).

Per claim 18:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

wherein one or more computer-readable media have computer-executable instructions for performing the computerized method of claim 1 (col. 2, lines 4-14 “...provided a computer readable medium including computer program code for accessing branding data stored in a central resource...”).

Claims 19-28 are the computer product claim corresponding to method claims 1, 3-11 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1, 3-11 respectively, above.

Per claim 31:

Ortiz discloses:

A computerized method of branding a software product installed on a computer comprising:

defining a plurality of groups, each of said plurality of groups corresponding a brand and including a plurality of resource files, said resource files each containing one or more branding resources (col. 1, lines 45-58 "...storing branding information associated with the computer product in a central library, in response to the request; calling the routines in the first library, the called routines loading the central library and extracting branding data from the central library identified in the request; and conveying the extracted branding data to the software application");

-assigning a namespace to each of the plurality of defined groups (col. 1, lines 45-48 "...storing branding information associated with the computer product in a central library..."), said assigned namespace identifying one specific brand for each of the plurality of groups, and wherein the plurality of resource files of each of the plurality of groups identify the one specific brand (Here Ortiz is clear that each branding information is extracted by the calling DLL (i.e., cvBrand.DLL), see col. 3, lines 44-50, from the cvOEMbrand.DLL which holds plurality of branding data. And cvBrand.DLL includes four routines, namely a BOOL getProductName, BoolgetOEMName, BOOL getImage, and BOOL getName routines, see col. 3, lines 30-43. When BOOL getOEMName routine is called, the routine also makes a getName call with variablentName set to ID_OEM identifying that OEM branding data is required (col. 3, lines 56-60). It is reasonable to conclude that ID_OEM which identifies the brand data is a "namespace".);

embedding, in each of the resource files, metadata identifying the branding resources contained therein (col. 1, lines 45-58 "...storing branding information associated with the computer product in a central library, in response to the request; calling the routines in the first library, the called routines loading the central library and extracting branding data from the central library identified in the request; and conveying the extracted branding data to the software application");

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-receiving request for identifying a selected namespace (col. 1, lines 54-55 “accessing branding data stored within a computer product in response to a request from a software application”), said selected namespace corresponding to one or more installed components of the software product (col. 3, lines 44-50 “...software application requires branding data...calls the routing...to access the appropriate product name...convey to the software application”);

executing an interface to call a particular group of the resource files as a function of a selected namespace (col. 1, lines 55-60 “...linking to a first library storing routines to access branding data stored in a central library in response to the request; calling the routines in the first library...”);

searching the called group of resource files for one or more of the branding resources to be installed in the software product based on the embedded metadata (col. 1, lines 45-52 “...the at least one routine being called by a software application requesting branding data and extracting the appropriate branding data from the central library in response to the call...”).

Ortiz does not explicitly disclose selectively installing the called group of resources files containing the one or more branding resources in the software product in response to the searching and as a function of the selected namespace.

However, Alger discloses in an analogous computer system selectively installing the called group of resources files containing the one or more branding resources in the software product in response to the searching and as a function of the selected namespace (paragraph [0041] “After the generic software 201 has been installed on the consumer's

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computer, the software 201 will then locate (i.e., select) and use the branding information 204B so that the use of the software 201 evokes an association with the merchant 502B”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of selectively installing the called group of resources files containing the one or more branding resources in the software product in response to the searching and as a function of the selected namespace as taught by Alger into the method of branding software/hardware information as taught by Ortiz. The modification would be obvious because of one of ordinary skill in the art would be motivated to installing the called group of resources files containing the one or more branding resources in the software product in response to the searching to provide a way to differentiate a company from their competitors as suggested by Alger (paragraph [0006]).

Per claim 32:

The rejection of claim 31 is incorporated and further, Ortiz discloses: further comprising grouping the resource files according to the assigned namespaces, and wherein the interface calls a group of resource files as a function of a selected namespace (col. 1, lines 45-48 “...storing branding information associated with the computer product in a central library...”).

Per claim 33:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

further comprising centrally storing the plurality of branding resources (col. 1, lines 45-48 “...storing branding information associated with the computer product in a central library...”).

Per claim 34:

The rejection of claim 31 is incorporated and further, Ortiz discloses:
wherein assigning the namespaces comprises identifying which of the branding resources contained in the resource files correspond to specific brands (col. 1, lines 45-50 “...the called routines loading the central library and extracting branding data from the central library identified in the request; and conveying the extracted branding data to the software application...”).

Per claim 35:

The rejection of claim 31 is incorporated and further, Ortiz discloses:
wherein each of the resource files comprises a dynamic-link library (col. 3, lines 13-19 “...software makes use of dynamic link libraries (DLLs), which provide a simple and compact procedure for software applications to access required branding data...”).

Per claim 36:

The rejection of claim 35 is incorporated and further, Ortiz discloses:
wherein the branding resources reside in one or more of the dynamic-link libraries associated therewith (col. 3, lines 19-29 “...cvOEMBrand.DLL holds the actual branding data. Thus, all branding data is stored in a single central location...”), and wherein executing the interface

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comprises accessing the branding resources in the associated dynamic-link libraries (col. 3, lines 19-29 "...cvBrandDLL holds a number of routines which are called in response to a request for branding data made by a software application to access branding data...").

Per claim 37:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

wherein at least one of the branding resources comprises an image associated with the software product (col. 1, lines 63-67 "...The branding data can be stored in a version resource in the central library and can include string resources for the product names and OEM names. The images can also be stored in the version resource in bitmap resources...").

Per claim 38:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

wherein at least one of the branding resources comprises a character string identifying the software product (col. 1, lines 63-67 "...central library and can include string resources for the product names...").

Per claim 39:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

further comprising indicating, with the embedded metadata, whether one or more of the branding resources contained in the resource files can be overwritten by a third party (col. 3, lines 19-29

“...cvOEMBrand.DLL holds the actual branding data. Thus, all branding data is stored in a single central location... cvBrandDLL holds a number of routines which are called in response to a request for branding data made by a software application to access branding data...”).

Per claim 40:

The rejection of claim 39 is incorporated and further, Ortiz discloses:
further comprising indicating, with the embedded metadata, a resource type for each of the branding resources contained in the resource files (col. 1, lines 45-50 “...the called routines loading the central library and extracting branding data from the central library identified in the request; and conveying the extracted branding data to the software application...”).

Per claim 41:

The rejection of claim 39 is incorporated and further, Ortiz discloses:
further comprising adding one or more branding resources to at least one of the resource files and updating the metadata embedded therein (col. 2, lines 15-20 “...the branding data is kept in a compact form, which can be easily accessed and updated. As a result, it is a simple and direct procedure to add new procedures and branding data and to alter existing procedures and branding data...”).

Per claim 43:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

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wherein the interface is an application programming interface (col. 1, lines 55-60 "...linking to a first library storing routines to access branding data stored in a central library in response to the request; calling the routines in the first library...").

Per claim 47:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

wherein one or more computer-readable storage media have computer-executable instructions for performing the computerized method of claim 31 (col. 2, lines 4-14 "...provided a computer readable medium including computer program code for accessing branding data stored in a central resource...").

9. Claims 13, 15, 16, 17, 29-30, 42, 44, 45, and 46 rejected under 35 U.S.C. 103(a) as being unpatentable over Ortiz in view of Alger and further in view of US Publication No. 2003/0195921 to Becker et al. (hereinafter, Becker).

Per claim 13:

The rejection of claim 9 is incorporated and further, Ortiz does not explicitly disclose wherein the branding manifest comprises an extensible markup language file.

However, Becker discloses in an analogous computer system wherein the branding manifest comprises an extensible markup language file (paragraph [0060] "An XML element of the type Resource is a resource of the application (e.g., a binary file, a configuration file, a directory, a Web page)").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of wherein the branding manifest comprises an extensible markup language file as taught by Becker into the method of branding software as taught by the combination of Ortiz and Alger. The modification would be obvious because of one of ordinary skill in the art would be motivated use the resource files as a XML files to provide user a flexibility to change or update to resource files on the fly as suggested by Becker (paragraph [0012]).

Per claim 15:

The rejection of claim 1 is incorporated and further, Ortiz does not explicitly disclose wherein the software product comprises a plurality of binary files organized into components, each of said components having a component manifest associated therewith for identifying the component and specifying one or more dependencies of the component, and further comprising specifying a dependency from at least one selected component to the interface for accessing the branding resources to be installed in connection with the selected component.

However, Becker discloses in an analogous computer system wherein the software product comprises a plurality of binary files organized into components, each of said components having a component manifest associated therewith for identifying the component (paragraph [0060] “An XML element of the type Resource is a resource of the application (e.g., a binary file, a configuration file, a directory, a Web page)”) and specifying one or more dependencies of the component, and further comprising specifying a dependency from at least one selected component to the interface for accessing the branding resources to be installed in connection

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with the selected component (paragraph [0066] “...The element CheckDependency checks for the existence of an installation of another component on the target server... element can include XML attributes...Component Version (a version of the XML element component to check for dependency), InstallPath (an installation path of the corresponding component), and BooleanDependency (a relationship to a version of the installed component, e.g., equal, greater_than, greater_than_equal)”).

The feature of wherein the software product comprises a plurality of binary files organized into components, each of said components having a component manifest associated therewith for identifying the component and specifying one or more dependencies of the component, and further comprising specifying a dependency from at least one selected component to the interface for accessing the branding resources to be installed in connection with the selected component would be obvious for the reasons set forth in the rejection of claim 13.

Per claim 16:

The rejection of claim 15 is incorporated and further, Ortiz does not explicitly disclose wherein specifying the dependency from the selected component to the interface includes specifying the selected namespace, said selected namespace corresponding to a specific brand.

However, Becker discloses in an analogous computer system wherein specifying the dependency from the selected component to the interface includes specifying the selected namespace, said selected namespace corresponding to a specific brand (paragraph [0066] “...The element CheckDependency checks for the existence of an installation of another component on

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the target server... element can include XML attributes...Component Version (a version of the XML element component to check for dependency), InstallPath (an installation path of the corresponding component), and BooleanDependency (a relationship to a version of the installed component, e.g., equal, greater_than, greater_than_equal)").

The feature of wherein specifying the dependency from the selected component to the interface includes specifying the selected namespace, said selected namespace corresponding to a specific brand would be obvious for the reasons set forth in the rejection of claim 13.

Per claim 17:

The rejection of claim 16 is incorporated and further, Ortiz does not explicitly disclose, wherein specifying the selected namespace includes specifying another namespace corresponding to a different specific brand to modify the branding of the software product.

However, Becker discloses in an analogous computer system wherein specifying the selected namespace includes specifying another namespace corresponding to a different specific brand to modify the branding of the software product (paragraph [0066] "...The element CheckDependency checks for the existence of an installation of another component on the target server... element can include XML attributes...Component Version (a version of the XML element component to check for dependency), InstallPath (an installation path of the corresponding component), and BooleanDependency (a relationship to a version of the installed component, e.g., equal, greater_than, greater_than_equal)").

The feature of wherein specifying the selected namespace includes specifying another namespace corresponding to a different specific brand to modify the branding of the software product would be obvious for the reasons set forth in the rejection of claim 13.

Claims 29 and 30 are the computer product claim corresponding to method claims 13 and 14 respectively, and rejected under the same rationale set forth in connection with the rejection of claim 13 and 14 respectively, above.

Per claim 42:

The computerized method of claim 39, wherein an extensible markup language file contains the embedded metadata. The limitations in the claims are similar to those in claim 13, and rejected under the same rationale set forth in connection with the rejection of claim 13.

Per claim 44:

The computerized method of claim 44, wherein the software product comprises a plurality of binary files organized into components, each of said components having a component manifest associated therewith for identifying the component and specifying one or more dependencies of the component, and further comprising specifying a dependency from at least one selected component to the interface for accessing the branding resources to be installed in connection with the selected component. The limitations in the claims are similar to those in claim 15, and rejected under the same rationale set forth in connection with the rejection of claim 15.

Per claim 45:

The computerized method of claim 44, wherein specifying the dependency from the selected component to the interface includes specifying the selected namespace, said selected namespace corresponding to a specific brand. The limitations in the claims are similar to those in claim 16, and rejected under the same rationale set forth in connection with the rejection of claim 16.

Per claim 46:

The computerized method of claim 45, wherein specifying the selected namespace includes specifying another namespace corresponding to a different specific brand to modify the branding of the software product. The limitations in the claims are similar to those in claim 17, and rejected under the same rationale set forth in connection with the rejection of claim 17.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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